

CITY JOINS STATE LAWSUIT CASE CHALLENGES NEW RELAXED POLLUTION RULES

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Citing high asthma rates in Hartford, city officials are latching on to a state-sponsored lawsuit that challenges the Bush administration's new, less restrictive rules for industrial air polluters, such as power plants and refineries.

The suit, filed in federal court by Attorney General Richard Blumenthal, says that the new rules -- published Jan. 1 -- would increase toxic smokestack pollution by power plants in the Midwest, and potentially cause more respiratory problems in the Northeast. Connecticut is one of nine Northeastern states to legally challenge the new rules. Hartford, with one of the highest asthma rates in the state, plans to detail its respiratory problems in its contribution to the suit.

"Forty-one percent of Hartford children suffer from asthma and asthma-related symptoms," said Mayor Eddie A. Perez.

He has given a verbal commitment to the attorney general that the city will join the suit -- at no cost to Hartford. The council will be presented with a formal resolution on the matter in coming weeks.

"This situation is letting polluters off easy," Perez said, referring to the new emission rules.

According to the state suits, the recent rules are the most significant roll back of anti-pollution protections since the Clean Air Act was enacted in 1970.

The recently published rules concern a program called New Source Review -- which mandated power plants to add modern air pollution controls to their smokestacks, whenever the facilities were upgraded or modified.

If a plant failed to upgrade its pollution control system when it was supposed to, it could be subject to lawsuits under the Clean Air Act. Connecticut currently has lawsuits pending against four plants that, Blumenthal says, have upgraded their facilities but have not added the anti-pollution devices.

Under the new regulations, manufacturers, power plants and refineries may upgrade or expand their plants and presumably increase their emissions without the threat of lawsuits and without having to add costly anti-pollution equipment now required by law to control smog, acid rain and soot. Older coal-fired power plants would have far more leeway to perform "routine maintenance" and make improvements without triggering legal actions under a separate proposed rule that officials hope to put into effect by late 2003.

"The Bush administration's decimating the Clean Air Act carries this message to us:

"Northeast: drop dead," Blumenthal said.

He said the new rules undermine the state's existing lawsuits -- and in fact delayed settlement in one of them.

Blumenthal said there is evidence that toxics, such as nitrogen oxide and sulfur dioxide, emitted from Midwestern plants are carried eastward and cause a host of medical problems to Easterners who breathe it in.

``The pollution that will be emitted by this rollback of the Clean Air Act means more asthma, more respiratory illness, more smog and acid rain, more health costs for every town and city, as well as the state as a whole," Blumenthal said. ``And Hartford can very powerfully document this."

An ongoing survey at the Connecticut Children's Medical Center shows that 41 percent of Hartford schoolchildren have asthma.

Blumenthal said he invited all 169 towns to join in the state's suit, filed in the U.S. Court of Appeals in the District of Columbia.

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